



UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

ACS STATE & LOCAL
SOLUTIONS, INC.,

Plaintiff,

v.

EFTCHILDSUPPORT.COM, LLC,

Defendant.

CIVIL ACTION NO.:
1:CV 01-2060

Judge Sylvia Rambo

JOINT MOTION FOR ENTRY OF ORDER OF JUDGMENT

ACS State & Local Solutions, Inc. ("ACS") and Eftchildsupport.com, LLC ("Eftchildsupport") respectfully submit this Joint Motion for Entry of Order of Judgment.

I. BACKGROUND

ACS filed a Complaint for patent infringement against Eftchildsupport on October 29, 2001, seeking redress for Eftchildsupport's infringement of U.S.

Patent No. 6,119,107 ("the '107 patent") under the Patent Laws of the United States. ACS sought a preliminary and permanent injunction against Eftchildsupport, damages to compensate for Eftchildsupport's infringement of the '107 patent, pre- and post-judgment interest on damages, further relief as the equity of the case may require, and costs and disbursements incurred in the action.

Eftchildsupport filed an Answer on November 29, 2001, alleging eight "affirmative defenses": (1) lack of personal jurisdiction; (2) lack of venue; (3) noninfringement; (4) estoppel based on the prosecution history of the '107 patent; (5) the invalidity of the '107 patent under sections 101, 102, and 103 of Title 35, United States Code; (6) the invalidity of the '107 patent under section 112 of Title 35, United States Code; (7) the unenforceability of the '107 patent for inequitable conduct; and (8) the unenforceability of the '107 patent for misuse.

Eftchildsupport subsequently dropped the defenses based on lack of personal jurisdiction and lack of venue. Also, on December 21, 2001, Eftchildsupport filed an Amended Answer that removed any reference to inequitable conduct and patent misuse.

The '107 patent is presumed valid under the Patent Laws of the United States. 35 U.S.C. § 282 (Supp. 1999). Although Eftchildsupport originally asserted that the '107 patent was invalid based on Sections 101, 102, 103, and 112 of Title 35, United States Code, in its supplemental interrogatory responses,

Eftchildsupport merely recited as prior art the same list of references cited on the face of the '107 patent, references that had already been specifically considered by the United States Patent and Trademark Office.

II. REQUEST FOR ENTRY OF ORDER OF JUDGMENT

For the foregoing and following reasons, ACS and Eftchildsupport jointly move for an Order of Judgment based on the asserted claims of the '107 patent (Order of Judgment attached).

A. Eftchildsupport agrees that the '107 patent is infringed.

Eftchildsupport concedes that its method and system for processing payments and/or disbursements for child support services infringe asserted claims 1-25 of the '107 patent. Eftchildsupport therefore concedes that ACS is not estopped by the prosecution history of the '107 patent from a construction of claims 1-25 that would cover Eftchildsupport's acts of infringement.

B. Eftchildsupport agrees that the '107 patent is valid.

Eftchildsupport concedes that the '107 patent is valid. Eftchildsupport further concedes that, despite its analysis of the '107 patent and an investigation of the prior art, it cannot challenge the validity of the '107 patent for any reason, specifically including sections 101, 102, 103, and/or 112 of Title 35 of the United States Code.

C. Eftchildsupport agrees that the '107 patent is enforceable.

Eftchildsupport concedes that the '107 patent is enforceable.

Eftchildsupport further concedes that, despite an investigation of the prosecution history and related matters, it cannot challenge the enforceability of the '107 patent for any reason, specifically including inequitable conduct and/or patent misuse.

III. CONCLUSION

For the foregoing reasons, the parties request entry of the attached Order of Judgment.

Respectfully submitted,

By: Chris Shore

Date: 3/7/02

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ORDER OF JUDGMENT

After due consideration of the issues raised in the parties' Joint Motion for Entry of Order of Judgment, this Court rules as follows:

IT IS HEREBY ORDERED:

1. U.S. Patent No. 6,119,107 is infringed by Eftchildsupport.com, LLC, specifically with regard to asserted claims 1-25. More particularly, Eftchildsupport.com, LLC's methods and systems for processing payments and/or disbursements for child support services, as described at www.eftchildsupport.com, infringe claims 1-25 of U.S. Patent No. 6,119,107.
2. U.S. Patent No. 6,119,107 is valid.
3. U.S. Patent No. 6,119,107 is enforceable.
4. Eftchildsupport.com, LLC is enjoined from making, using, selling, and/or offering for sale its methods and systems for processing payments and/or disbursements for child support services, as described at www.eftchildsupport.com, and any other infringing methods or systems no more than colorably different from the infringing methods or systems. This Court's injunction shall apply immediately to preclude Eftchildsupport.com, LLC from offering its infringing methods and systems to new customers. To facilitate transition for existing customers, the injunction shall allow Eftchildsupport.com, LLC to continue service for such customers through no later than July 31, 2002, at which time Eftchildsupport.com, LLC must terminate the infringing website at www.eftchildsupport.com and cease all accused activity.

5. This Court shall retain jurisdiction over the parties for the purpose of ensuring compliance with this Order of Judgment.

Dated: _____

The Honorable Sylvia H. Rambo
United States District Court for the
Middle District of Pennsylvania